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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 JUL 29 AM 11:22

Magistrate Docket No. '08 MJ 23 16
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Luis MARQUEZ-Cruz,

Defendant

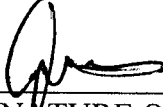
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **July 28, 2008** within the Southern District of California, defendant, **Luis MARQUEZ-Cruz**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent
SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29th DAY OF JULY, 2008

 Jan M. Adler
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Luis MARQUEZ-Cruz

PROBABLE CAUSE STATEMENT

On July 28, 2008, Border Patrol Agent D. Nguyen was performing his assigned duties in the Imperial Beach area of responsibility. At approximately 3:30 a.m., Agent Nguyen responded to a seismic intrusion device Northwest of the San Ysidro, California Port of Entry.

An infrared scope operator also observed three individuals in the area. Upon arriving in the area Agent Nguyen encountered three individuals hiding in brush. Agent Nguyen identified himself as a United States Border Patrol Agent and questioned all three individuals, including one later identified as the defendant **Luis MARQUEZ-Cruz**, as to their citizenship and nationality. All three, admitted that they were citizens and nationals of Mexico without any immigration documentation permitting them to enter or remain in the United States legally. While walking the three individuals out of the thick brush, the defendant attempted to flee by running northbound. Agent Nguyen ordered the remaining two individuals to lie on the ground and pursued the defendant on foot. After a short foot pursuit, Agent Nguyen caught the defendant. At approximately 3:50 a.m., Agent Nguyen arrested the defendant and the other two individuals and subsequently had them transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **November 3, 2005** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.